

NO. HHD CV 16-6071180-S : SUPERIOR COURT
INDEPENDENT PARTY OF CT- STATE
CENTRAL, ET AL. : J.D. OF HARTFORD
VS. : AT HARTFORD
DENISE MERRILL, AS CONNECTICUT
SECRETARY OF THE STATE; MICHAEL
TELESCA; ROCCO FRANK, JR. : AUGUST 21, 2018

MEMORANDUM OF DECISION

This case arises out of a longstanding dispute between two factions of the Connecticut Independent Party, namely, the Independent Party of CT-State Central (IPCT- SC), based in Danbury, and the Independent Party of Connecticut (IP-CT), based in Waterbury.¹ The action was commenced in September 2016 seeking declaratory and injunctive relief against Denise Merrill, State of Connecticut Secretary of the State (SOTS), in an effort to require her to place the names of the nominated candidates of IPCT-SC on a separate line for the Independent Party on the ballot for the general election held on November 8, 2016.² The parties are the plaintiffs,

¹ The plaintiff is variously referred to herein as the Independent Party of Connecticut - State Central, the IPCT-SC, the Danbury IP, the IPCT and the Danbury faction. The IP-CT is sometimes referred to herein as the Waterbury IP or the Waterbury Faction. After the election of 2008, as further detailed in this memorandum, the minor party claimed by the parties to this case became known as the Independent Party and was officially recognized as such by the SOTS. See Defendants' Exhibit Z.

² This case initially arose when the two factions nominated competing candidates for several state offices. On September 2, 2016, the SOTS notified both factions that, in accordance with existing policy and General Statutes § 9-250, neither name would be placed on the ballot under the Independent Party line unless one candidate withdrew. Section 9-250 provides in relevant part as follows: "No column, under the name of any political party or independent

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IPCT-SC, Michael Duff, Donna LaFrance, and Roger Palanzo.³ The defendants are the SOTS, Michael Telesca and Rocco Frank, Jr.⁴ The plaintiffs filed an amended complaint on March 3, 2017 seeking a declaratory judgment ordering the SOTS to recognize the individual plaintiffs as the duly authorized officers of the IPCT-SC, and an injunction prohibiting the defendants from acting directly or indirectly on behalf of the IPCT-SC. The defendants filed with permission of the court an answer with special defenses and a counterclaim on October 10, 2017. In the counterclaim, Telesca and Frank seek a judgment declaring that they are the rightful officers of the statewide Independent Party of Connecticut, and that the individual plaintiffs are not.

A court trial was held on October 11, 17 and 18, 2017. The trial witnesses were Roger Palanzo, Sr., the secretary and deputy treasurer of the IPCT-SC since 2013; Michael Duff, chair of the IPCT-SC since 2016; Michael Telesca, a founding member of the IP-CT; Mary Iorio, a witness and a participant in a meeting with Telesca and Dr. Robert Fand,⁵ in 2010; John Mertens, a professor of engineering and chair of engineering at Trinity College and former IP-CT candidate for United States Senate in 2006; Rocco Frank, Jr., an IT consultant and former IP-CT

organization, shall be printed on any official ballot, which contains more candidates for any office than the number for which an elector may vote for that office.”

³ All three named plaintiffs are officers of the IPCT-SC. Michael Duff became chair upon the death of John L. Dietter in 2016, former chair and original plaintiff in this action, Donna L. LaFrance is the treasurer, and Roger Palanzo is the secretary/deputy treasurer, who replaced Dr. Robert Fand upon his death in 2013.

⁴ All references to the defendants in this memorandum, unless otherwise specified, are to Telesca and Frank.

⁵ Fand was a founding member of the IPCT-State Central, who is now deceased.

candidate and creator of the Milford Independent Party; Lawrence DePillo, a computer consultant and founding member of the Waterbury Independent Party in 2003; Richard Wick, an executive and founding member of the Watertown Independent Party; and David LaPointe, a former state corrections officer, union president, and founding member of the Winsted Independent Party.

Closing argument was held on March 23, 2018 and August 3, 2018.

This lawsuit is one of several wherein the individual parties have challenged the actions of the other in an effort to have their respective factions declared the true Independent Party of the State of Connecticut. See *Price v. Independent Party of CT - State Central*, 323 Conn. 529, 147 A.3d 1032 (2016); *Independent Party of Connecticut State Central v. Telesca*, Superior Court, judicial district of Danbury, Docket No. CV-14-6015650; and *Independent Party of CT v. Dietter*, Superior Court, judicial district of Waterbury, Docket No. CV-12-5016387-S (September 28, 2012, *Taylor, J.*).

In the present case, the plaintiffs seek the following declaratory and injunctive relief:

“1. A Declaratory Judgment that: a. the Bylaws as amended September 27, 2006 are the validly adopted and currently effective party rules of the Plaintiff Independent Party of CT - State Central within the meaning of party rules set forth in Connecticut [General] Statute[s] § 9-374; b. Individual Plaintiffs Duff, LaFrance, and Palanzo constitute the entirety of the duly elected board of Plaintiff Independent Party of CT - State Central; c. Plaintiff Duff is the Chairman of the Plaintiff Independent Party of CT - State Central; d. Plaintiff LaFrance is the Treasurer of the Plaintiff Independent Party of CT - State Central; e. Plaintiff Palanzo is the Secretary and Deputy Treasurer of the Plaintiff Independent Party of CT - State Central.

2. An immediate injunction restraining and prohibiting Defendants Telesca and Frank, jointly and severally, from directly and/or indirectly: a. Purporting to act on behalf of Plaintiff Independent Party of CT - State Central; b. Making filings on behalf of Plaintiff Independent Party of CT - State Central with the State of Connecticut and/or any agency and/or political subdivision thereof; c. Representing to any person or entity in any form of communication or technology that they are officers of the Plaintiff Independent Party of CT - State Central; d. Taking any action which serves to contradict or is otherwise inconsistent with the lawful incumbency of the individual Plaintiffs in their respective capacities with the Plaintiff Independent Party of CT - State Central.”

Plaintiffs’ Second Amended Complaint, dated March 3, 2017.

In their answer to the plaintiffs’ complaint, the defendants have asserted the following special defenses: 1) the plaintiffs lack standing to file and prosecute this case; 2) the plaintiffs have ratified the actions by the defendants in filing bylaws for the Independent Party in 2010 or have waived any right to challenge the 2010 bylaws; 3) the purported bylaws of 1987 and 2006 violate rights of free of association of members of the Independent Party guaranteed to them by the first amendment of the United States Constitution and Article First, § 14 of the Connecticut Constitution; and 4) the purported 2006 amendment to the 1987 bylaws, dated September 27, 2006, filed with the SOTS is invalid in that it was adopted without authority. As previously stated, the defendants, Telesca and Frank, filed a counterclaim seeking a declaratory judgment that they are the rightful officers of the Independent Party of Connecticut, and that the individual plaintiffs are not. In a filing on July 18, 2018, in response to an order of the court, the defendants

further specified the relief they are seeking by way of declaratory judgment. Specifically, the defendants request the following relief:

“1. The by-laws adopted by the Independent Party of Connecticut in 2010 after it became a statewide minor party as a result of the 2008 presidential election are the valid by-laws of the statewide Independent Party of Connecticut pursuant to Conn. Gen. Stat. 9-374.

2. Michael Telesca as chairman and Rocco Frank, Jr. as treasurer are the rightful officers of the statewide Independent Party of Connecticut.

3. The individual plaintiffs are not the rightful officers of the statewide Independent Party of Connecticut, and they are entitled to no relief.

4. The by-laws adopted in 2006, prior to the existence of a statewide Independent Party, by the Danbury faction calling itself Independent Party of CT State Central apply only to that local committee of the Independent Party. Accordingly, the Independent Party of CT State Central is entitled to no relief.

5. The Secretary of the State is ordered to recognize the above and to treat nominations and endorsements made pursuant to its 2010 by-laws as nominations and endorsements of the Independent Party of Connecticut.”

Defendants’ Counterclaim Prayer for Relief, dated July 18, 2018.

The central issue in this case is whether the bylaws adopted by the IPCT-SC in 2006 (2006 bylaws), by a three-member central committee, two years before the Independent Party gained statewide status, remain the operative bylaws of the Independent Party in Connecticut or whether the operative bylaws are those adopted at a caucus held in 2010 (2010 bylaws), after the

Independent Party gained minor party status in 2008 by attaining 1 percent of the vote in a statewide election. At the heart of the dispute is the question of who is to control the Independent Party line in the November 2018 general election and whether the bylaws formed by a group of three individuals local to Danbury two years before the Independent Party achieved statewide status are the only legitimate bylaws which control the statewide Independent Party now that it has become a statewide minor party.

I.

SUBJECT MATTER JURISDICTION

As a threshold matter, the court must determine whether it has subject matter jurisdiction over the present action. “Subject matter jurisdiction involves the authority of the court to adjudicate the type of controversy presented by the action before it. . . . [A] court lacks discretion to consider the merits of a case over which it is without jurisdiction. . . . The subject matter jurisdiction requirement may not be waived by any party, and also may be raised by a party, or by the court sua sponte, at any stage of the proceedings” (Internal quotation marks omitted.) *Keller v. Beckenstein*, 305 Conn. 523, 531-32, 46 A.3d 102 (2012). “Moreover, [t]he parties cannot confer subject matter jurisdiction on the court, either by waiver or by consent.” (Internal quotation marks omitted.) *New Hartford v. Connecticut Resources Recovery Authority*, 291 Conn. 511, 518, 970 A.2d 583 (2009). “[J]usticiability comprises several related doctrines, namely, standing, ripeness, mootness and the political question doctrine, that implicate a court’s subject matter jurisdiction and its competency to adjudicate a particular matter. . . . A case that is nonjusticiable must be dismissed for lack of subject matter jurisdiction.” (Internal quotation

marks omitted.) *Janulawicz v. Commissioner of Correction*, 310 Conn. 265, 270, 77 A.3d 113 (2013).

Given the circumstances of this case, the court raised the issue of whether the dispute between the parties was nonjusticiable and more properly committed to the legislature or to the parties themselves for resolution. As such, in an order dated July 19, 2018, the court directed the parties to submit briefs and attend a hearing to address the question of whether the pending controversy was properly within the subject matter jurisdiction of the court. In furtherance of that order, the parties filed supplemental memoranda, and a hearing was held on August 3, 2018. Both parties argued that the court did have subject matter jurisdiction over the matter. They contended that the dispute did not involve a political question, and they maintained that the dispute could not be resolved by the parties internally due to a fundamental disagreement over which bylaws controlled. The defendants also argued that the dispute required the court to interpret General Statutes § 9-374 and related provisions, and that the need for such interpretation brought the case within this court's jurisdiction.

Accordingly, the court first addresses whether the current dispute involves a political question. "It is well settled that certain political questions cannot be resolved by judicial authority without violating the constitutional principle of separation of powers." *Nielsen v. Kezer*, 232 Conn. 65, 74, 652 A.2d 1013 (1995). "The fundamental characteristic of a political question . . . is that its adjudication would place the court in conflict with a coequal branch of government in violation of the primary authority of that coordinate branch." *Id.* "In deciding whether an action is nonjusticiable under the political question doctrine, we are to be guided by

several formulations which vary slightly according to the settings in which the [question] arise[s] Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question. Unless one of these formulations is inextricable from the case at bar, there should be no dismissal for nonjusticiability on the ground of a political question's presence." (Internal quotation marks omitted.) *Id.*, 75.

In the present case, the core principles underlying the political question doctrine are not implicated in the dispute between the parties, and judicial resolution may readily be accomplished without expressing lack of the respect due coordinate branches of government. See *id.*, 76. There is no indication that the legislature sought to exclude courts completely from the adjudication of controversies relating to the type of intraparty dispute involved in the present case, and no executive or legislative branch agency has plenary authority to consider such disputes. See *id.* Moreover, the Supreme Court has expressed its doubt that the political question doctrine was intended to apply to the intraparty disputes of a political party. See *id.*, 75-76; see also *Nielsen v. Kezer*, Superior Court, judicial district of Hartford-New Britain at Hartford, Docket No. CV-94-0705311 (September 8, 1994, *Corradino, J.*) (12 Conn. L. Rptr.

419, 421) (declining to find that it lacked subject matter jurisdiction under the political question doctrine because the “ACP executive committee or the executive committee of any other party is most assuredly not a coordinate branch of government to which the . . . courts owe deference within the meaning of the separation of powers or the political question doctrine.”) Because the current dispute between the parties does not violate the constitutional principle of separation of powers and a resolution may be accomplished without expressing a lack of respect to the coequal branches of government, the court concludes that the present action does not raise a nonjusticiable political question.

The court next examines the question of whether it lacks subject matter jurisdiction because the parties themselves are better suited to resolving the current dispute between them. “Political parties generally are free to conduct their internal affairs free from judicial supervision. . . . This common law principle of judicial restraint, rooted in the constitutionally protected right of free association, serves the public interest by allowing the political processes to operate without undue interference. . . . Because the nomination and endorsement of candidates for elective office are among the primary functions of political parties, [j]udicial intervention in [the selection of convention delegates] traditionally has been approached with great caution and restraint.” (Citations omitted; footnote omitted; internal quotation marks omitted.) *Nielsen v. Kezer*, supra, 232 Conn. 78-79. “The rule appears to be that in factional controversies within a political party where there is no controlling statute or clear legal right involved, the court will not assume jurisdiction, but will leave the matter for determination by the proper tribunals of the party itself, or by the electors at the polls.” *Nielsen v. Kezer*, supra, 12 Conn. L. Rptr. 420.

The Supreme Court has recognized, nevertheless, that “the judiciary has a role to play in promoting fair play even within the nomination process.” *Price v. Independent Party of CT-State Central*, 323 Conn. 529, 543, 147 A.3d 1032 (2016). Moreover, even when the action before the court involves an intraparty dispute, the court has jurisdiction to hear the matter when “the controversy raises issues of constitutional and statutory interpretation of the kind regularly entertained by courts.” *Nielsen v. Kezer*, supra, 232 Conn. 76; see also *Nielsen v. Kezer*, supra 12 Conn. L. Rptr. 420 (concluding it had subject matter jurisdiction because clear legal right of the plaintiff was involved because he read the statutory scheme in a different way from defendant and court must have jurisdiction to resolve such claims.) In the present action, the court is required to interpret § 9-374 and related provisions to determine which bylaws govern the Independent Party’s nomination procedures for candidates for public office, which is the central dispute between the parties. As the *Nielsen* court noted, such issues of statutory interpretation are regularly entertained by the courts and are well within its jurisdiction. As a result, the court concludes that it has subject matter jurisdiction over the dispute, and therefore, herein decides the case on the merits.

II.

FINDINGS OF FACT

Based on the testimony and full exhibits in the case, the court finds the following facts. The Connecticut Independent Party was first established as a minor party statewide in Connecticut when it gathered signatures and nominated Ralph Nader for president in 2008, and he garnered 1 percent of the vote. General Statutes § 9-372 (6) defines “Minor party” as “a

political party or organization which is not a major party and whose candidate for the office in question received at the last-preceding regular election for such office, under the designation of that political party or organization, at least one percent of the whole number of votes cast for all candidates for such office at such election.”⁶ Thus, the first step to establish a minor party for any particular office is to run a candidate using a nominating petition with a party designation. If that candidate earns at least 1 percent of the votes cast for that office, a minor party for that particular office is recognized for the next election. Attaining minor party status affords the minor party the ability to nominate a candidate without having to gather signatures at the next election for that particular office. The second step to establish a minor party is to file a “copy of the party rules regulating the manner of nominating a candidate for such office,” with the SOTS “at least sixty days before the nomination of such candidate.” General Statutes § 9-374. To maintain minor party status, a minor party must continually run candidates for the office in question and retain at least 1 percent of the vote for that office.

In 2003, Telesca, DePillo, and others formed the Waterbury Independent Party (Waterbury IP), to run candidates for local office as an alternative to the major parties. To do so, the Waterbury IP filed a Form 601, Application for Reservation of Party Designation with the SOTS’ office and gathered petition signatures to run candidates for municipal office. A Form 601 is required to be filed with the SOTS to reserve a party designation in any race where a candidate must petition to get on the ballot. See General Statutes §§ 9-353b and 9-3453u. A

⁶ In addition to § 9-372 (6), there are essentially four statutes that specifically govern minor parties in Connecticut: General Statutes §§ 9-374, 9-451, 9-452 and 9-452a.

reservation of party designation may only be filed for a race in which another similarly named party has not already filed such a form. Telesca reserved the name "Independent Party" with the SOTS in 2003 for Waterbury races. That year, the Waterbury IP endorsed a full slate of candidates for municipal elections in Waterbury and elected eight people to office, each of whom received more than 1 percent of the vote in their individual races. Because the candidates received at least 1 percent of the vote in each of those races, the Waterbury IP was eligible for minor party status for those offices. Thereafter, Waterbury electors could register as Independent Party members for local elections. After the 2003 Waterbury municipal elections, the SOTS sent a letter to the Waterbury IP requesting that it submit party rules. In 2004, the Waterbury IP drafted bylaws on how to conduct caucuses and created a nominating process for future races. Telesca's goal was to build a new statewide third party to help people get ballot access around the state. The Waterbury IP bylaws were filed with the Waterbury town clerk and the SOTS. In 2004, there were about 450 registered members of the Independent Party in the state.

In 2004, the Waterbury IP decided to run candidates in races for state representative and state senate in the Waterbury area. In May 2004, it filed a Form 601 for those General Assembly races and for registrar of voters, nominated candidates for most of the offices and sent a letter of its endorsements to the SOTS. Around this time, Telesca learned about a separate Independent Party that had been formed in Danbury headed by Fand that had reserved the name Independent Party for the 30th Senate District. Because the Danbury IP had already reserved the party designation of Independent Party for the 30th Senate District, the Waterbury IP was not allowed to nominate a candidate for that election. In 2004, Telesca and Fand reached an agreement that

the Waterbury IP would not operate in Danbury and the Danbury IP would not operate in Waterbury.

On August 12, 2004, Telesca and others filed a Form ED-48, a party committee registration form registering the name "Independent Party Waterbury Town Committee," which the SOTS accepted. In 2004, all of the Waterbury IP state representative and state senate candidates received over 1 percent of the vote. The Danbury IP also ran some candidates in 2004, some of whom received over 1 percent of the vote and some of whom did not. No party reservation form for any statewide offices was filed by either the Danbury IP or the Waterbury IP in 2004.

The Waterbury IP ran a full slate of candidates for municipal offices in 2005. That year, Telesca also helped town committees in other municipalities run municipal candidates.

In 2006, the Waterbury IP attempted to reserve the name "Independent Party" statewide but was not able to do so because there were local parties using the name "Independent" in both Danbury and Waterbury. The SOTS would not allow two different parties with any part of the same name on the ballot at the same time. In 2006, Telesca and Mertens learned from the SOTS that they needed to get the local independent parties to come together in order to get a petition for statewide offices. In 2006, Telesca and Fand joined together and signed and filed a Form 601 as members of the Independent Party Designation Committee, but they failed to obtain enough signatures to get ballot access for any statewide office. As a result, there was no statewide minor party established in that year. Also in 2006, Fand and other members of the Danbury IP filed bylaws for the Danbury IP. At the time the 2006 bylaws were filed, the Danbury IP was a

recognized local party, as was the Waterbury IP. Neither the Danbury IP nor the Waterbury IP ran statewide candidates in 2006. The Waterbury IP ran candidates for General Assembly races in the Waterbury area in 2006.

In September 2006, Fand, Dietter, and LaFrance filed a form ED-48 with the SOTS designating themselves as the three members of the party committee for the “Independent Party of CT - (State Central).” See Defendants’s Exhibit LLL. At the same time, these individuals filed the 2006 bylaws, which consisted of one page called “Party Rules Amended.” See Plaintiff’s Exhibit 1. The introductory paragraph of those rules states that the committee “adopts the following rules for the establishment of local committees and nomination of candidates.” The first paragraph is set forth as “1. Local Committees” and states that “[l]ocal committees may be organized for any region containing at least one municipality.” It also states that each local committee must send its proposed rules to the “IPCtSC” for approval; that approval requires the vote of at least two-thirds of the three members of the “IPCtSC;” two-thirds of the IPCtSC could also vote to dissolve a local committee “for actions contrary to the principles of the IPCt”; and the “IPCtSC” has the power “to resolve jurisdictional disputes between local committees by at least a two-thirds vote.” Paragraph 2 of the IPCtSC is designated as “Nominations” and consists of subparagraphs A-G as follows: “A. Party Candidates” provides that no “IPCt member shall seek ballot status in a general election as a candidate of the IPCt without first being nominated” under the provisions of the party rules. “B. Local Committees” states that “[a] local committee of the IPCt may nominate candidates for any office whose electoral district falls within its jurisdiction” but such nominations “shall be subject to a veto by at leas[t] a two-thirds vote of the

IPcTSC.” “C. Special Party Meetings” states that “[a] special meeting called for that purpose by the IPcTSC may nominate any candidates for any office for which no candidate has been nominated by a local committee and to conduct any other Party business.” “D. State Central Committee of the Independent Party of Ct” states that “[t]he IPcTSC may, by at least a two-thirds vote, nominate candidates for any office for which no nomination has been made under A. B. or C. and for any State or Federal Office.” “E. Presidential Campaigns” provides that by at least a two-thirds vote, the IPcTSC may “nominate candidates of the IPcT for President and Vice President of the U.S.” “F. Caucuses” provides as follows: “[t]hose eligible to make nominations and to vote for nominees for political office at State of Ct-State Statute-required caucuses are those who [are] registered to vote under the Party designation **Independent**, and those who are registered other than Independent whose campaigns are being and/or have been funded solely by, and reported for, on required Ct. State B4 forms by the IPcT for State and/or Municipal Elections and are being/or have been on Municipal and/or State election ballot of the IPcT since 2006 under the designation **Independent**.”⁷ (Emphasis in original.) “G. Party Rules Changes”

⁷ Because the language in Subparagraph F is so puzzling, at a hearing held on August 3, 2018, the court requested an explanation of it for two reasons: first, there are no state of Connecticut caucuses required to be held by a minor party. Rather, there are only party meetings. See General Statutes §§ 9-372(1) and 9-452a. Second, the court could not make sense out of this provision as written. There was no clear explanation of why the term “caucus” is used as opposed to the term “meeting” and the remainder of the paragraph was taken to mean that persons eligible to make nominations and vote for nominees for political office under the IPCT - State Central party rules are those persons who are registered to vote as “under the party designation Independent” and other persons not so registered but who have been funded by or who have been reported as being funded by the “IPcT for State and/or Municipal Elections” or who are “being/or have been on such ballots since 2006 “under the designation “Independent.” This seems to be a pretty convoluted way of saying that certain persons who have had a

provides that party rules can be amended at a special meeting or by “at least a two-thirds vote of the IPCtSC.”

The final paragraph of the 2006 bylaws (Plaintiff’s Exhibit 1) indicates that the rules were passed unanimously at the meeting of the “State Central Committee of the Independent Party of CT on 09/27/06,” and is signed by John L. Dietter, Chairman, Donna LaFrance, Treasurer and Robert Fand, Deputy Treasurer.

No evidence was introduced at trial indicating that the IPCT-SC took any of the actions toward local committees outlined in the 2006 bylaws; nor was there any evidence that any local committee acknowledged or adhered to the 2006 bylaws of the IPCT-SC in any way. There is no provision in the 2006 bylaws for the replacement of the three original State Central Committee members, although two of the original members are now deceased and have been replaced with others, nor is there any provision at all regarding the election of party leaders. Under the 2006 bylaws, two of the three members of the IPCT-SC have the authority to override local committee bylaws. Two of the three members of the State Central Committee also purportedly control amendment of the rules, the calling of special meetings, have veto power over other local committee nominations, approval or rejection of other local committee rules, dissolution of local committees, nominations for the office of president and vice president of the United States, and nominations for any office where no other nomination has been made. Finally, there is no provision for membership extending beyond the State Central Committee.

connection to the IPCT-SC and who are not registered to vote as “Independent,” are eligible to make nominations and vote for nominees at IPCT-SC “caucuses” “or meetings.”

In 2008, Fand and Telesca joined together to create a statewide Independent Party. There were other Independent Party chapters in the state at this time, including ones in Winsted and Milford. Telesca assisted those chapters by providing information regarding the election process. The immediate goal in 2008 was to run Ralph Nader as a candidate for president as an Independent and achieve 1 percent of the vote which would establish the Independent Party as a statewide minor party. See General Statutes § 9-372 (6). In a joint effort to accomplish this goal, Telesca and Fand both signed and filed the Form ED-601 Reservation of Party Designation form as the designated agents of the Independent Party. The form designated the name Independent Party not only for president, vice president and electors, but also for state senate districts 24, 28 and 11, state assembly districts 110 and 96, United States congressmen for the third and fifth districts, and for several registrar of voters and probate judge races. See Defendants' Exhibit U.

Telesca testified that because there were different rules for the various local parties in the state who controlled the Independent Party line for their localities, he and Fand agreed that they would need to create a new set of bylaws to accomplish their joint goal of creating a statewide minor party. Without a statewide party, a local Independent Party could oppose a statewide candidate for any office by reserving the same or a similar party designation for their towns. Running Ralph Nader for president provided a clear path toward garnering 1 percent of the vote and establishing a statewide minor party. Once Nader achieved over 1 percent of the vote in the 2008 presidential election, the SOTS certified the Independent Party as a minor party and notified all town registrars of voters of the Independent Party's new status as a statewide minor party. See Defendants' Exhibit Z. Subsequently, anyone in the state could register to vote as a member

of the Independent Party.

Following the 2008 election, Telesca and Mertens drafted bylaws for the new statewide party. Telesca sent out 700-800 postcards about a meeting to be held on March 20, 2010 concerning proposed bylaws to any registered member of the Independent Party who had voted in the last two elections. Mertens created a website and posted the proposed bylaws on it months in advance of the meeting. Telesca put an advertisement in the Hartford Courant announcing the meeting/caucus and gave advance notice to the SOTS. Telesca also sent Fand a postcard and gave him a copy of the proposed bylaws before the meeting, which Fand acknowledged. Telesca and Iorio met with Fand about the bylaws for the new statewide party before the meeting was held.

On March 20, 2010, the Independent Party held a meeting in Waterbury of registered Independent Party members from around the state to ratify the bylaws for the new statewide party. At the meeting, Fand did not object either to the meeting, the idea of creating bylaws for the new statewide party or the bylaws themselves, nor did he request any changes to the bylaws as proposed. There was an agenda for the meeting and a sign-up sheet. Only registered Independent Party members were allowed to vote on the bylaws. The vote to approve the bylaws was unanimous. The bylaws were filed with the SOTS on March 22, 2010 (2010 bylaws). No objections were filed with the SOTS within sixty days of the filing date.

The 2010 bylaws, as ratified at the March 20, 2010 meeting, invited all residents of the state to become members of the Independent Party. They created a process for membership on the "Independent Party State Central Committee," a process for the election of officers, rules for

local town committees, a process for conducting statewide and local caucuses, voting eligibility, a process for nominating candidates for statewide offices and statewide central committee members, filling vacancies, changes in party rules and a pathway for existing town committees to participate. Telesca and Mertens sent the draft bylaws to Independent Party town committee chairs around the state and arranged for a statewide party meeting.

A caucus was held on August 21, 2010 to nominate Independent Party candidates for placement on the November 2, 2010 ballot. The 2010 bylaws were used to guide the nomination process at the caucus. The Independent Party got ballot access for statewide offices in 2010 by going through the petitioning process for candidates and by filing a Form ED-601 Application for Reservation of Party Designation. See Defendants Exhibit NN. The purpose of the caucus was to endorse candidates for certain offices and to ratify endorsements for other offices that had been made through the petitioning process. At a meeting held on August 21, 2010 immediately prior to the caucus, Telesca was authorized to preside over the statewide caucus, file all paperwork regarding the upcoming state elections, and to act as the agent and acting chairman of the Independent Party.

Following the caucus, a document confirming the nominations and endorsements of the statewide Independent Party candidates for the 2010 election was filed with the SOTS. The document was signed by Telesca as presiding officer of the caucus, and LaFrance and Fand as agents of the Independent Party. See Defendants' Exhibit MM. At the time, Fand and LaFrance constituted two-thirds of the IPCT-SC. The SOTS subsequently approved a revised list of nominees on September 8, 2010. See Defendants' Exhibit PP. All of the candidates were

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nominated pursuant to the 2010 bylaws. The new statewide Independent Party subsequently
published a political advertisement showing its endorsed candidates for the 2010 election. See
Defendants' Exhibit III.

Based on the evidence presented at trial, in the 2010 election cycle, there was no conflict
between the Waterbury and Danbury factions of the Independent Party. That year, all but one of
the Independent Party statewide candidates received over 1 percent of vote, giving the statewide
Independent Party ballot access for those races by nomination and endorsement in the next
election for those offices, pursuant to the 2010 bylaws, without the need to petition. There was
no evidence of conflict between the Waterbury and Danbury factions in the 2008, 2009, 2010, or
2011 election cycles. The 2006 bylaws were not used by the Independent Party to nominate
anyone for president in 2008 or for statewide office in 2008, 2010, 2012, or 2014. The Danbury
faction did not object to the caucuses held pursuant to the 2010 bylaws to nominate candidates
for statewide office in either 2010 or 2012. On June 10, 2012, the Independent Party held a
caucus to elect the officers of the statewide party. At that caucus, Telesca was elected chairman,
Frank was elected vice chairman, DePillo was elected treasurer, Bruce Walczak was elected
secretary and Richard Sieron was elected parliamentarian.

In early 2012, Fand invited Telesca to a meeting with Danbury mayor Mark Boughton in
an effort to gain Telesca's support for Boughton as the endorsed candidate of the Independent
Party. Boughton hoped to run for governor as the next nominee of the Republican Party. Telesca
refused to give Fand his assurance, as chairman of the Independent Party, that he would endorse
Boughton for governor and informed Fand that the Independent Party's endorsement of

candidates was up to the party membership, not him. After that meeting, Telesca and Fand's relationship "soured."

Because Nader received more than 1 percent of the vote in 2008 presidential election, the Independent Party was able to nominate and endorse a candidate for the 2012 presidential election without having to go through the petitioning process. On August 21, 2012, the Independent Party held a caucus, conducted pursuant to the 2010 bylaws, to nominate and endorse a presidential candidate for 2012. The votes were limited to Independent Party members. At the caucus, Rocky Anderson was selected as the presidential nominee of the Independent Party. Although the 2006 bylaws reserved the right of the Danbury faction to make the Independent Party's nomination for president, the nomination for president was decided at the August 21, 2012 caucus based on the 2010 bylaws without objection. Because Anderson failed to garner at least 1 percent of the vote for president, the Independent Party lost its presidential ballot line for the 2016 presidential election.

In 2014, the Independent Party held a statewide caucus and nominated candidates pursuant to the 2010 bylaws. No one objected to the use of the 2010 rules for Independent Party nominations in the 2014 statewide elections. In 2015, local Independent Party chapters nominated candidates for municipal elections. In 2016, the Danbury faction and the Waterbury faction nominated different candidates for the Independent Party's State Senate endorsement for one particular race. On August 23, 2016, the Danbury faction held an endorsement event at which nominations for president, vice president, United States Senate, United States House of Representatives, State Senate and State Representatives were made and thereafter filed with the

SOTS.⁸ Notice of the meeting was given pursuant to General Statutes § 9-452a. See Pl. Ex. 3. Telesca attended that endorsement meeting and voted no without comment when the nominees were presented for a vote. Telesca did not challenge how Duff, the presiding officer, conducted the meeting. Nor did Telesca challenge anyone's right to vote at the meeting. Telesca filed a complaint with the State Elections Enforcement Commission against the current members of the IPCT-SC, Duff, LaFrance, Palanzo and others. The IP-CT also selected nominees at an event noticed for that purpose which were also filed with the SOTS. Where there were competing nominations, the SOTS did not accept either nomination for placement on the ballot. A major point of contention between the two factions is that the Waterbury faction believes that the Danbury faction is merely a proxy for the Republican Party and not truly representative of the Independent Party. In 2014, there were over 17,000 Independent Party members statewide, compared to ten years earlier when there were only 450. See Defendants' Exhibit UUU.

Following Fand's death in 2013, Palanzo replaced him as a member of the IPCT-SC. Palanzo was a registered Republican at the time. He was appointed by Dietter and LaFrance. Prior to becoming a member of the IPCT-SC, Palanzo had never been registered to vote as a member of the Independent Party. As previously found, there is no provision in the 2006 bylaws

⁸ Although the plaintiff refers to an exhibit documenting this filing as Plaintiff's Exhibit 3, that exhibit is the notice of the meeting published in the *Hartford Courant* on August 15, 2016. See Plaintiff's Posttrial Memorandum of Law, 2/2/2018, p. 3. The notice indicates that the purpose of the meeting was "to endorse candidates for President of the United States, US Senate, US House of Representatives, CT State Representatives, and CT State Senate." Although the plaintiff references a "Certification of Party Endorsement" filed with the SOTS as required by General Statutes § 9-452, in its posttrial memorandum, no such document is in evidence.

which addresses how replacement members are to be selected. Palanzo was elected to serve on the Danbury Republican Town Committee in Danbury for at least two terms until 2015. At the time of his appointment to the IPCT-SC, he was the communications director for Danbury Republican Mayor Boughton. Palanzo is also currently the deputy treasurer for Boughton's gubernatorial campaign. In 2016, the IPCT-SC endorsed more than seventy candidates for the Connecticut General Assembly. All of them were cross-endorsed Republican candidates. In 2014, "most" of the candidates endorsed by the IPCT-SC were also cross-endorsed Republican candidates. Although the IPCT-CT filed a notice for a caucus in 2016 "to endorse candidates for President of the United States, US Senate, US House of Representatives" there is no evidence that they held any other caucuses for those offices in any other year. See Plaintiff's Exhibit 3.

In the 2017 municipal elections, the IPCT-SC cross-endorsed one Democrat, and the rest of the candidates it endorsed, approximately 115-120 individuals, were Republicans. Neither Palanzo nor Duff, the current chair of the IPCT-SC, could estimate the number of Independent Party members there are in Connecticut.

The court finds that by their actions and/or inaction, the plaintiffs have waived any right they may have had to challenge the validity of the 2010 bylaws because they actively participated, without objection, in the process which created and adopted those bylaws and used the 2010 bylaws to nominate and endorse candidates for statewide and municipal offices in 2010, 2011, 2012 and 2014. They also failed to object to the 2010 bylaws as the statewide party rules until conflicts began to arise between the Danbury and Waterbury factions over the nominations

of candidates for office. See Defendants' Exhibits U, MM, NN and PP.

The only evidence offered by the plaintiffs at trial was the testimony of Palanzo, Duff and Telesca and six exhibits, three of which are court decisions in other cases. The remaining exhibits are the plaintiff's 2006 bylaws, a notice of a caucus/meeting held by the plaintiffs in August 2016 and the notice of the meeting published in *The Hartford Courant*.

III.

CONCLUSIONS OF LAW

A. Preliminary Matters

In the present action, the plaintiff seeks a declaratory judgment and injunctive relief. The defendants have raised several special defenses and a counterclaim which also seeks a declaratory judgment. As previously quoted herein, the plaintiffs seek a declaration from the court stating that the 2006 bylaws are the validly adopted and currently effective party rules of the IPCT- SC within the meaning of party rules pursuant to General Statutes § 9-374 and that the individually named plaintiffs are the validly elected board members of the party. Notably, the plaintiffs do not specifically request a corollary declaration that the 2010 bylaws are invalid. The plaintiffs also seek an injunction prohibiting the defendants "from purporting to act" for or make filings on behalf of the IPCT- SC. On the other hand, the individual defendants seek a declaratory judgment that the 2010 bylaws are the rightful bylaws of the statewide Independent Party within the meaning of party rules pursuant to General Statutes § 9-374, that they are the rightful officers of the Independent Party and that the individual plaintiffs are not. They also ask the court to declare that the 2006 bylaws apply only to the Danbury faction's local committee of

the Independent Party. The defendants also seek an order from the court to the SOTS to accept only the nominations and endorsements of the Independent Party made pursuant to the 2010 bylaws. Although the defendants have raised several special defenses, only the third special defense raising ratification of the 2010 bylaws and waiver by the defendants is herein considered by the court as the others have not been briefed or argued, and therefore, are deemed abandoned.⁹

At the conclusion of the evidence, in setting a briefing schedule, the court ordered the parties to submit proposed findings of fact with citations to the evidentiary record and proposed conclusions of law. Contrary to this specific direction of the court, the plaintiffs failed to do so. To the extent that the plaintiffs did cite to the record, many of the references are unclear at best. For example, transcript references do not contain dates and confusing references are made in footnotes. The defendants argue that because the plaintiffs did not cite to the transcript or otherwise to the trial record that the plaintiffs have failed to sustain their burden of proof. Although the plaintiffs have failed to assist the court in this regard, the court declines to reject the plaintiffs' claim on this basis and does reach a decision based on the admissible evidence, that is, the testimony, full exhibits and agreed upon facts and legal arguments, such as they are.

⁹ "It is well settled that [w]e are not required to review issues that have been improperly presented to this court through an inadequate brief. . . . Analysis, rather than mere abstract assertion, is required in order to avoid abandoning an issue by failure to brief the issue properly. . . . Where a claim is asserted in the statement of issues but thereafter receives only cursory attention in the brief without *substantive* discussion or citation of authorities, it is deemed to be abandoned. . . . These same principles apply to claims raised in the trial court." (Emphasis in original; internal quotation marks omitted.) *Walker v. Commissioner of Correction*, 176 Conn. App. 843, 856, 171 A.3d 525 (2017).

However, for the reasons pointed out in the defendants' memoranda, the court recognizes that several statements made by the plaintiffs in their oral and written arguments to the court are not based on evidence contained in the record. For example, certain statements made about Fand's role as the "founder" of the Independent Party in Connecticut, the 1987 rules and their relationship to the 2006 bylaws, and the fact that the plaintiffs did not file endorsements for the 2012 and 2014 statewide candidates and their reason for not doing so are not contained within the record.¹⁰

B. Declaratory Judgment

"The purpose of a declaratory judgment action, as authorized by General Statutes § 52-29 and Practice Book § [17-55], is to secure an adjudication of rights [when] there is a substantial question in dispute or a substantial uncertainty of legal relations between the parties. . . Subdivisions (1) and (2) of Practice Book § 17-55 respectively require that the plaintiff in a declaratory judgment action have an interest, legal or equitable, by reason of danger of loss or of uncertainty as to the party's rights or other jural relations and that there be an actual bona fide and substantial question or issue in dispute or substantial uncertainty of legal relations which requires settlement between the parties This court previously has observed that our

¹⁰ In addition, in their reply memorandum, the plaintiffs make the following curious statement about the evidence: "Defendants' post-trial brief further demonstrates that Defendants have failed to carry their burden [presumably on their counterclaim or special defense], *relies almost entirely on witness testimony which cannot be corroborated by evidence*, and effectively asks this court to set aside a plethora of case law unfavorable to their position." (Emphasis added.) Plaintiff Reply Memorandum, p. 2. Certainly testimony is a critical part of the evidence in any trial. Plaintiffs' counsel either misunderstands the role of testimony or has made an inadvertent misstatement on this point.

declaratory judgment statute provides a valuable tool by which litigants may resolve uncertainty of legal obligations.” (Citation omitted; internal quotation marks omitted.) *New London County Mutual Ins. Co. v. Nantes*, 303 Conn. 737, 747–48, 36 A.3d 224, 232 (2012).

“We also have recognized that our declaratory judgment statute is unusually liberal. An action for declaratory judgment . . . is a statutory action as broad as it well could be made. . . . Indeed, our declaratory judgment statute is broader in scope than . . . the statutes in most, if not . . . all, other jurisdictions . . . and [w]e have consistently construed our statute and the rules under it in a liberal spirit, in the belief that they serve a sound social purpose. . . . [Although] the declaratory judgment procedure may not be utilized merely to secure advice on the law . . . it may be employed in a justiciable controversy where the interests are adverse, where there is an actual bona fide and substantial question or issue in dispute or substantial uncertainty of legal relations which requires settlement, and where all persons having an interest in the subject matter of the complaint are parties to the action or have reasonable notice thereof.” (Citations omitted; internal quotation marks omitted.) *Id.*, 748.

“In an action seeking a declaratory judgment, the sole function of the trial court is to ascertain the rights of the parties under existing law. . . . While we have characterized the proceeding as a special statutory action and therefore distinct from one seeking the imposition of equitable relief . . . the trial court may, in determining the rights of the parties, properly consider equitable principles in rendering its judgment. . . . This conclusion not only harmonizes the rule that actions in law and equity may be combined in this state . . . it is also in accord with our position favoring liberal construction of the declaratory judgment statute in order to effectuate its

sound social purpose.” (Citations omitted; internal quotation marks omitted.) *Middlebury v. Steinmann*, 189 Conn. 710, 715-16, 458 A.2d 393 (1983). “[T]he determination of what equity requires in a particular case, the balancing of the equities, is a matter for the discretion of the trial court. . . . Discretion means a legal discretion, to be exercised in conformity with the spirit of the law and in a manner to subserve and not to impede or defeat the ends of substantial justice. . . . For that reason, equitable remedies are not bound by formula but are molded to the needs of justice.” (Citations omitted; internal quotation marks omitted.) *McKeever v. Fiore*, 78 Conn. App. 783, 788, 829 A.2d 846 (2003). “The equitable powers of the court are broad, but they are not without limit. Equitable power must be exercised equitably.” (Internal quotation marks omitted.) *Id.*, 793. “The governing motive of equity in the administration of its remedial system is to grant full relief, and to adjust in the one suit the rights and duties of all the parties, which really grow out of or are connected with the subject-matter of that suit Equity regards as done what ought to be done . . . or which ought to have been done. . . . Equity always looks to the substance of a transaction and not to mere form . . . and seeks to prevent injustice. . . . The principles of equity evolved as a necessity in order to obtain justice because the law by reason of its universality was deficient. Equity in its true and genuine meaning is the soul and spirit of all law, and positive law is construed by it and rational law is made by it. In this, equity is synonymous with justice. Equity depends essentially upon the [p]articular circumstances of each individual case. That being so, *there can be no established rules and fixed principles laid down* for its application, without destroying its very existence, and reducing it to positive law. The nature of equity is to amplify, enlarge, and add to the letter of the law and every particular case

stands upon its own circumstances.” (Citations omitted; emphasis in original; internal quotation marks omitted.) *Natural Harmony, Inc. v. Normand*, 211 Conn. 145, 149-50, 558 A.2d 231 (1989).

1. Statutory Interpretation Concerning a Minor Party

The determination of which party is entitled to the declaratory judgment it seeks depends in large part on issues of statutory interpretation, specifically General Statutes § 9-374 and related provisions. “When construing a statute, [the court’s] fundamental objective is to ascertain and give effect to the apparent intent of the legislature. . . . In other words, [the court] seek[s] to determine, in a reasoned manner, the meaning of the statutory language as applied to the facts of [the] case, including the question of whether the language actually does apply. . . . In seeking to determine that meaning, General Statutes § 1-2z directs [the court] first to consider the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered. . . . The test to determine ambiguity is whether the statute, when read in context, is susceptible to more than one reasonable interpretation.” (Citation omitted; internal quotation marks omitted.) *Price v. Independent Party of CT-State Central*, supra, 323 Conn. 539-40. “Significantly, our case law is clear that ambiguity exists only if the statutory language at issue is susceptible to more than one plausible interpretation.” (Internal quotation marks omitted.) *Tomick v. United Parcel Service, Inc.*, 324 Conn. 470, 478, 153 A.3d 615 (2016). “When a statute is not plain and unambiguous, we also look for interpretive guidance to the legislative

history and circumstances surrounding its enactment, to the legislative policy it was designed to implement, and to its relationship to existing legislation and common law principles governing the same general subject matter The question of statutory interpretation presented in this case is a question of law” (Internal quotation marks omitted.) *Valliere v. Commissioner of Social Services*, 328 Conn. 294, 309, 178 A.3d 346 (2018).

The central issue in this case, that is, which bylaws are the rightful bylaws governing the Independent Party as it is presently constituted, requires the court to first interpret § 9-374. The parties offer differing interpretations of § 9-374. The plaintiffs argue that they are entitled to a declaratory judgment because Fand was the de facto founder of the Independent Party of Connecticut, and that the bylaws he filed in 1987 and later amended in 2006 are the governing bylaws of the party pursuant to General Statutes § 9-374. As previously stated herein in part III (A) of this memorandum, the plaintiffs did not introduce the 1987 bylaws into evidence, nor did they introduce any evidence concerning the founding of the Independent Party by Fand. The plaintiffs further contend that the Superior Court already found in *Independent Party of CT v. Dietter*, supra, Superior Court, Docket No. CV-12-5016387-S, that the 2006 bylaws are the validly adopted bylaws of the Independent Party and that they remain in full force and effect.

In response, the defendants counter that the 2006 bylaws are not controlling because they were adopted before the statewide Independent Party came into existence, and that, pursuant to § 9-374, the Independent Party could not adopt bylaws applicable to a statewide party until after it achieved status as a statewide minor party by garnering 1 percent of the vote in the 2008

presidential election. The defendants also contend that the Superior Court's decision in *Independent Party of CT v. Dietter* has no effect on the present action before the court because the ruling denying their preliminary motion in that case was not a decision on the merits of their underlying claim. Finally, the defendants argue that the plaintiffs have acquiesced to the applicability of the 2010 bylaws by allowing them without objection to be adopted, filed, and then applied in numerous statewide elections.

The present case demonstrates that the statutory scheme governing minor parties is skeletal in Connecticut. In contrast to major parties, which are governed by a comprehensive statutory scheme, minor parties in Connecticut are essentially governed by four statutes: General Statutes §§ 9-374, 9-451, 9-452, and 9-452a. In addition, General Statutes § 9-453u regulates applications to the SOTS to reserve a party designation concerning the petitioning process for candidates to gain ballot access.

Section 9-374, which governs the requirement of filing party rules with the SOTS is central to the dispute between the parties. Section 9-374 provides, in relevant part, that “[i]n the case of a minor party, no authority of the state or any subdivision thereof having jurisdiction over the conduct of any election shall permit the name of a candidate of such party for any office to be printed on the official ballot unless at least one copy of the party rules regulating the manner of nominating a candidate for such office has been filed in the office of the Secretary of the State at least sixty days before the nomination of such candidate. . . . Party rules shall not be effective until sixty days after the filing of the same with the Secretary of the State. . . .” Pursuant to § 9-

372 (6), a “minor party” is “a political party or organization which is not a major party and whose candidate for the office in question received at the last-preceding regular election for such office, under the designation of that political party or organization, at least one percent of the whole number of votes cast for all candidates for such office at such election.”

When read together, the plain language of the foregoing statutes indicates that a minor party does not exist in Connecticut until it designates a candidate for office who achieves 1 percent of the vote. Further, once a minor party is established for a particular office, to secure a place on the ballot for a future candidate for that office by nomination, the minor party must file a copy of the party rules regulating the nomination process for that office with the SOTS sixty days before the nomination is made. No bylaws need be filed with the SOTS pursuant to § 9-374 until status as a minor party is achieved by a candidate receiving at least 1 percent of the vote for the office for which future ballot access is sought by way of nomination. In other words, a party does not need to file bylaws until it officially achieves minor party status. Before that happens, party rules governing the nomination process are not required because ballot access comes from the petitioning process and not from the party. Beyond the foregoing requirement concerning the filing of party rules, § 9-374 states no other requirements for a minor party other than that the party rules do not become effective until sixty days after they are filed with the SOTS and that any amendments to the party rules must also be filed with the SOTS in the same manner. In the case of a minor party, there is no requirement concerning who is eligible to file such rules.

In the present case, the defendants argue that “[a] minor party is created by past

performance, not future intent.” Def. Reply Mem., p. 9. The court agrees with this statement.

Prior to 2008, there was no need for the Independent Party to file party rules concerning the nominating process for candidates for statewide office because until that year no statewide candidate had achieved 1 percent of the vote for any elected office. According to § 9-372 (6), a minor party is a political party whose candidate *for a particular office* received 1 percent of the vote in the “last-preceding” regular election for that office *under the designation of that political party*. In 2008, the so-designated “Independent Party” gained ballot access for president, vice president and other statewide offices by the petitioning process and Ralph Nader, the candidate for president, received 1 percent of the vote. In order to select a candidate for president in the 2012 presidential election by way of nomination and endorsement, Independent Party rules governing the nominating process had to be filed with the SOTS sixty days before the nomination was made.

When the IPCT-SC filed the 2006 bylaws on March 27, 2006, the party so-named had not achieved minor party status for any statewide office. In the present case, the defendants adopted and properly filed the 2010 bylaws on March 22, 2010, thus establishing those bylaws as the controlling party rules for the statewide Independent Party, after the passage of sixty days in accordance with § 9-374. To create the 2010 bylaws, the defendants invited Independent Party members and local parties from across the state to participate in the process. The fact that the 2010 bylaws were adopted and properly filed pursuant to § 9-374 is one of several reasons which necessitates the conclusion that they are valid and are the governing provisions of the statewide

Independent Party.

On the other hand, the 2006 bylaws were created by a limited process and were filed before the Independent Party achieved statewide status as a minor party. This was virtually no evidence beyond the information contained in Plaintiff's Exhibit 1 about the process employed by the three original members of the IPCT-SC. There is also little evidence that the IPCT-SC is anything more than a local committee of the Independent Party. The only thing that distinguishes it from other local independent parties formed before 2008 is that the 2006 bylaws purported to reach beyond Danbury to control the nominations and endorsements of candidates who were not local to Danbury. As previously noted in the findings of fact, there is no evidence that any other local party adhered to the 2006 bylaws or that the IPCT-SC actually sought to impose the will of its three member state central committee beyond its boundaries. Although the IPCT-SC may have won the race to the SOTS office and referred to themselves by a name which included the designation "State Central," that is not enough to anoint them as the governing body of the Independent Party post-2008. As the plaintiffs themselves point out, "[u]nlike the major parties which have State Central Committees acting as agents of National Committees, minor party nominations in Connecticut are governed exclusively by four statutes: C.G.S. §§ 9-374, 9-451, 9-452, and 9-452a." Thus the designation "State Central" has no real significance in the organization or operation of a minor party. It is simply a name chosen by the IPCT-SC and carries with it no special status. For reasons previously stated in the findings of fact, there is no indication that IPCT-SC has statewide reach although they continue to claim that they are the true governing entity of the statewide Independent Party. The court finds, however, that the 2006

bylaws are valid only to the extent they are recognized as such within the local committee.¹¹ Although the plaintiffs filed the 2006 bylaws with the SOTS, the filing of these rules merely allowed the IPCT-SC to nominate local candidates and get them on an official ballot once they had attained 1 percent of the vote for a particular office. The 2006 bylaws did not automatically allow the IPCT-SC to gain control of the statewide Independent Party after the 2008 presidential election.

A close reading of General Statutes § 9-453u gives further credence to the idea that the IPCT-SC was nothing more than a local committee as opposed to a statewide minor party at the time it adopted the 2006 bylaws. Section § 9-453u describes the steps that a petitioning party must take to reserve its party designation with the SOTS. Section § 9-453u (c) provides, in relevant part, that “[t]he statement shall include the party designation to be reserved which . . . (3) shall not incorporate the name of any minor party which is entitled to nominate candidates for any office which will appear on the same ballot with any office included in the statement; (4) shall not be the same as any party designation for which a reservation with the secretary is currently in effect for any office included in the statement” Pursuant to this statute, had the IPCT-SC been an officially recognized minor party with viable statewide candidates, the statewide Independent Party would not have been able to reserve the word “Independent” in its

¹¹Section 9-374 explicitly allows a minor party to have both state party rules and local rules for particular municipalities. Section 9-374 provides, in relevant part, that “[a] party in any municipality for which local rules with respect to any office or position have not been filed as provided in this section shall, as to such office or position, be subject to the provisions of the effective state rules of such party applicable in municipalities which do not have local party rules”

party designation when Fand and Telesca joined together to file the ED-601 party designation form with the SOTS in 2008. See Defendants' Exhibit U. There was no evidence introduced at trial that the IPCT-SC ever sought to reserve a party name containing the designation "Independent" for candidates for statewide office in 2008, 2010, or any other year. Accordingly, for all the foregoing reasons, the only statewide Independent Party was created post-2008 and the 2010 bylaws are the only valid governing rules of that party.

2. Waiver

In further support of the defendants' claim that they are the rightful officers of the Independent Party and that the 2010 bylaws are the only valid governing rules of that party, the defendants argue by way of a special defense that the plaintiffs waived any right they may have had to have their bylaws control the Independent Party by their tacit acceptance of the defendants' use of the 2010 bylaws for numerous elections as well as other reasons. "Waiver is the intentional relinquishment or abandonment of a known right or privilege." (Internal quotation marks omitted.) *C. R. Klewin Northeast, LLC v. Bridgeport*, 282 Conn. 54, 87, 919 A.2d 1002 (2007). "Waiver involves an intentional relinquishment of a known right. . . . There cannot be a finding of waiver unless the party has both knowledge of the existence of the right and intention to relinquish it. . . ." (Internal quotation marks omitted.) *J. Wm. Foley, Inc. v. United Illuminating Co.*, 158 Conn. App. 27, 43, 118 A.3d 573 (2015). "[V]arious statutory and contract rights may be waived. . . . Waiver is based upon a species of the principle of estoppel and where applicable it will be enforced as the estoppel would be enforced. . . . Estoppel has its

roots in equity and stems from the voluntary conduct of a party whereby he is absolutely precluded, both at law and in equity, from asserting rights which might perhaps have otherwise existed Waiver does not have to be express, but may consist of acts or conduct from which waiver may be implied. . . . In other words, waiver may be inferred from the circumstances if it is reasonable to do so.” (Citation omitted; internal quotation marks omitted.) *C. R. Klewin Northeast, LLC v. Bridgeport*, supra, 282 Conn. 87. “Whether conduct constitutes a waiver is a question of fact. . . . The issue of waiver is a question of fact, dependent on all of the surrounding circumstances and the testimony of the parties.” (Internal quotation marks omitted.) *J. Wm. Foley, Inc. v. United Illuminating Co.*, supra, 158 Conn. App. 43.

As noted in various findings of fact in Part II of this memorandum, there are numerous indicators that the plaintiffs have waived their right to contest the validity of the 2010 bylaws. Most significantly, Fand and Telesca actively worked together starting in 2008 to create a statewide Independent Party in 2008 by petitioning to get Nader ballot access for the office of president of the United States.¹² Both Fand and Telesca filed a joint ED-601 party designation form on behalf of the Independent Party on May 5, 2008. See Defendants’ Exhibit U. Telesca and Mertens then began drafting bylaws for the new statewide party in an effort to comply with § 9-374. They sent the bylaws they drafted to local Independent Party town committee chairs, and arranged for a statewide party meeting/caucus to vote on the proposed bylaws. Telesca and

¹²In addition to indicating that the plaintiffs waived their right to contest the validity of the 2010 bylaws, the collaboration between Fand and Telesca provides further evidence that the IPCT-SC was a local committee rather than a statewide party when Fand and Telesca realized that they that they needed to work together to create a statewide party.

Iorio met personally with Fand to discuss the proposed bylaws; Fand did not object to the planned meeting, nor did he object to the idea of creating new bylaws for the statewide party or to the bylaws themselves. After the bylaws were unanimously adopted at the March 20, 2010 party meeting and later filed with the SOTS, neither Fand nor any other member of the Danbury faction objected to them. Moreover, when the Independent Party held a caucus on August 21, 2010 to endorse candidates for various offices pursuant to the 2010 bylaws, Fand and other members of the Danbury faction attended the meeting and did not question or object to their use. In addition, both Fand and LaFrance, two-thirds of the IPCT-SC, signed the endorsement form filed with the Waterbury town clerk and the SOTS along with Telesca, which specified the candidates that the Independent Party had endorsed for the 2010 elections at the August 21 meeting. See Defendants' Exhibit MM. Fand and others in the Danbury faction also used the 2010 bylaws to govern nominations/endorsements for the 2010, 2012 and 2014 election cycles without any objection.

Fand and Telesca did not call the legitimacy of the 2010 bylaws into question until sometime in 2012 when they first disagreed about the nomination of Mark Boughton, the Republican mayor of Danbury, who was hoping for the endorsement of the Independent Party in connection with his gubernatorial ambitions in 2012. These facts and pieces of evidence, taken together, indicate that there is nothing in the law that prevented Telesca from filing the 2010 bylaws with the SOTS, and that the plaintiffs' knowledge about the drafting and adoption of such bylaws and their failure to object demonstrate their de facto acceptance of them. Therefore, based on all foregoing circumstances, the court concludes that the defendants have established by

a preponderance of the evidence submitted in this case that the plaintiffs have waived any right they may have had to challenge the validity of the 2010 bylaws.

3. The Plaintiffs' Additional Arguments

The plaintiffs make several additional arguments as to why they are entitled to a declaratory judgment that their bylaws are controlling, none of which are availing. First, the plaintiffs argue that the 2010 bylaws are not valid because Telesca was not the party chairman or the secretary of the state central committee when he filed them. However, contrary to the plaintiffs' argument, § 9-374 does not contain any language mandating that minor party rules may only be filed by such individuals. Section 9-374 provides, in relevant part, that "[i]n the case of a minor party, no authority of the state or any subdivision thereof having jurisdiction over the conduct of any election shall permit the name of a candidate of such party for any office to be printed on the official ballot unless at least one copy of the party rules regulating the manner of nominating a candidate for such office has been filed in the office of the Secretary of the State at least sixty days before the nomination of such candidate. . . ." The plain language of the statute, therefore, does not require minor party rules to be filed by the party chairman or the secretary of the state central committee. Moreover, the other statutes governing minor parties make no mention of a state central committee or of a secretary of such committee. As previously discussed, the statutes that define and discuss the role of state central committees apply only to a major party and not to a minor party. Even though members of the Danbury faction designated themselves as "State Central," this designation is simply a name and has no legal significance

under state law. Telesca's status as a designated agent, along with Fand, was thus sufficient to afford Telesca the authority to act on behalf of the statewide party to form the committee that proposed and eventually passed the 2010 bylaws.

Second, the plaintiffs argue that the Superior Court has already found that the 2006 bylaws were the validly adopted Independent Party rules in *Independent Party of CT v. Dietter*, and that as such, they remain in full force and effect. In *Independent Party of CT v. Dietter*, however, the merits of the 2006 bylaws versus the 2010 bylaws as to their statewide effect was not the issue before the court. The competing candidates in that case were not candidates for statewide office. Moreover, the only matter addressed by the court (*Taylor, J.*), was a motion for a temporary order of mandamus and the case was thereafter withdrawn.

Finally, at a hearing held on August 3, 2018, when confronted with the fact that the plaintiffs joined the defendants in employing the 2010 bylaws for the 2010, 2011, and 2012 elections, the plaintiffs argued that, assuming the defendants are correct that the 2010 bylaws became the bylaws of the party in 2010, those bylaws "only entitle[d] . . . [the defendants] to file bylaws for that office, not for the entire slate statewide." T. 8/3/18, 63:3-14. While there is no doubt that candidates seeking to be nominated by the Independent Party would have to petition to get onto the ballot if the candidate for a particular office did not achieve 1 percent of the vote in the next-preceding election, it makes little sense that new bylaws would necessarily have to be filed each time 1 percent of the vote is garnered for a given office.

Contrary to argument of the plaintiff, although minor party status is achieved office by

office, a statewide party was created in 2008 according to the SOTS. The bylaws passed and filed with the SOTS in 2010 govern the party, not each office sought or any single election. Filing the bylaws afforded the Independent Party the ability to nominate candidates to occupy the Independent Party line on a ballot. According to Defs. Ex. Z, the SOTS Information Bulletin Issue 51, October 2, 2009, “[T]he Independent Party became an officially recognized minor party in each town because they ran Ralph Nader for President in 2008 and he received at least 1% of the votes cast for the office of President.” Once this information was put into the SOTS computer system, “it automatically moved any voter who may have been enrolled in the Independent Party when they were not officially recognized as a minor party from Unaffiliated/Independent Party to straight Independent Party members.”

In 2010, although candidates for state executive offices had to petition to get on the ballot, if they achieved 1 percent of the vote, they thereafter could only be nominated for the office in question by the Independent Party in accordance with party rules “regulating the manner of nominating a candidate for such office . . . at least sixty days before the nomination of such candidate” before the name of the candidate could be printed on the official ballot. See General Statutes § 9-374. The recognition, therefore, of the Independent Party as a statewide party by the SOTS after achieving 1 percent of the vote in 2008 and meeting the requirement of filing party rules sixty days before a nomination is made to secure a place on the official ballot by a candidate of the Independent Party for office are two separate things. Moreover, nothing in § 9-374 or any other statute concerning minor parties states that bylaws must be repeatedly filed every time a minor party candidate achieves 1 percent of the vote for any office, unless those

bylaws are amended. In the absence of such statutes or evidence, the court rejects the plaintiffs' assertion on this issue.¹³

C. Injunctive Relief

In their prayer for relief, the plaintiffs seek the following by way of an injunction:

“An immediate injunction restraining and prohibiting Defendants Telesca and Frank, jointly and severally, from directly and/or indirectly: a. Purporting to act on behalf of Plaintiff Independent Party of CT - State Central; b. Making filings on behalf of Plaintiff Independent Party of CT - State Central with the State of Connecticut and/or any agency and/or political subdivision thereof; c. Representing to any person or entity in any form of communication or technology that they are officers of the Plaintiff Independent Party of CT - State Central; d. Taking any action which serves to contradict or is otherwise inconsistent with the lawful incumbency of the individual Plaintiffs in their respective capacities with the Plaintiff Independent Party of CT - State Central.

“A party seeking [permanent] injunctive relief has the burden of alleging and proving irreparable harm and a lack of an adequate remedy at law. . . . The extraordinary nature of injunctive relief requires that the harm complained of is occurring or will occur if the injunction is not granted. Although an absolute certainty is not required, it must appear that there is a

¹³ The plaintiffs also complain that the 2010 bylaws follow major party requirements while minor party rules are minimal with far fewer requirements. It matters not that the 2010 bylaws are modeled after the major political parties as long as those rules comport with the statutes governing minor parties.

substantial probability that but for the issuance of the injunction, the party seeking it will suffer irreparable harm. . . . Additionally, [a] decision to grant or deny an injunction must be compatible with the equities in the case, which should take into account the gravity and willfulness of the violation, as well as the potential harm to the defendant.” (Citation omitted; emphasis omitted; internal quotation marks omitted.) *Steroco, Inc. v. Szymanski*, 166 Conn. App. 75, 87-88, 140 A.3d 1014 (2016).

Even if the plaintiffs were able to establish they were entitled to the declaratory relief they seek, they have failed to demonstrate a basis for the injunctive relief requested in their prayer for relief in that they have not demonstrated a substantial probability of irreparable harm, that the balance of equities tips in their favor, or that they do not have an adequate remedy at law. Although the 2010 bylaws use the terminology “Independent Party State Central Committee” to establish a statewide governing organization of the Independent Party, the weight of the evidence establishes that the passage of the bylaws on March 20, 2010 and the meeting/caucus held on August 21, 2010, were actually the result of the combined efforts of local parties throughout the state, including Danbury. Since 2010, the evidence demonstrates that Telesca and Frank have sought to solidify the name “Independent Party” or “Independent Party of Connecticut” as the established name of the statewide party going forward. Fand and LaFrance were part of that effort. See Defendants’ Exhibit MM.

At argument, the plaintiffs claimed continuing irreparable harm caused by conflicting filings with the SOTS but conceded that the defendants are equally subject to the same harm.

Essentially, the claimed harm is harm suffered by the parties so much as it is harm to the Independent Party itself. Further, for reasons detailed in part III (B) of this memorandum of decision, the balance of equities is decidedly not the plaintiffs favor for the principal reason that they waived their right to complain about the formation of a statewide party organization, the statewide 2010 bylaws and the leadership of Telesca and Frank throughout the process. In sum, to the extent that there was evidence presented by the plaintiffs in support of the relief they seek, it was deficient.

For similar reasons, to the extent that the plaintiffs seek an injunction prohibiting the defendants from taking action which serves to contradict or is otherwise inconsistent with the lawful incumbency of the individual plaintiffs "in their respective capacities with the plaintiff 'Independent Party of CT - State Central,'" that relief is also denied, in that those individuals have not demonstrated that they have any incumbency within the statewide minor party now known as the Independent Party or the Independent Party of Connecticut. The injunctive relief sought in the latter request lacks clarity, but if what the individual plaintiffs seek is an order prohibiting Telesca and Frank from acting as officers of the statewide Independent Party, for all the reasons previously stated, the plaintiffs are not entitled to any such relief. The individual plaintiffs have an adequate remedy at law in that there is nothing to prevent them from seeking leadership positions within the statewide party. They are not entitled to achieve leadership by court order when they may well accomplish it by engaging in activities that are within the control

of each one of them. For this reason as well, any harm to them is not irreparable.¹⁴

IV.

COUNTERCLAIM

The defendants have established by a preponderance of the evidence that they are entitled to the declaratory relief that they seek as more specifically set forth in the conclusion of this memorandum of decision.

V.

CONCLUSION

Accordingly, for all the foregoing reasons, the court finds that the plaintiffs have failed to establish by a preponderance of the evidence that they are entitled to the declaratory and injunctive relief requested in their second amended complaint. They failed either to claim by way of relief or to demonstrate by a preponderance of the evidence that the 2010 bylaws are invalid. Further, the court finds that the defendants, Telesca and Frank, have established by a preponderance of the evidence that the 2010 bylaws are the validly adopted and operative bylaws of the Independent Party/Independent Party of Connecticut, filed pursuant to the requirements of § 9-374, and that Michael Telesca and Rocco Frank, Jr. are the duly elected officers of the Independent Party/Independent Party of Connecticut, and the individual plaintiffs are not. In

¹⁴ The plaintiffs have not demonstrated irreparable harm for the further reason that, to the extent that the 2006 bylaws filed by the plaintiffs are not inconsistent with the operation of the 2010 bylaws, which govern the statewide party, the plaintiffs may continue to govern and use them as rules local to Danbury.

addition, the court hereby declares that the 2006 bylaws apply only to the Danbury faction's local committee of the Independent Party. Finally, the court hereby declares and orders that the SOTS must accept only the nominations and endorsements of the Independent Party/Independent Party of Connecticut, made pursuant to the 2010 bylaws filed with the SOTS on March 22, 2016, or as may be amended, pursuant to General Statutes § 9-374.

BY THE COURT

A handwritten signature in black ink, appearing to be 'Peck', written over a horizontal line.

PECK, Judge Trial Referee

CHECKLIST FOR CLERK

Docket Number HHD CV-16-6071180-5

Case Name Independent Party of CT-State
Central, Et Al v. Denise Merrill,
Et al'


Memorandum of Decision dated 8-21-18

File Sealed: yes _____ no X

Memo Sealed: yes _____ no X

This memorandum of Decision may be released to the Reporter of
Judicial Decisions for publication. X

This Memorandum of Decision may NOT be released to the
Reporter of Judicial Decisions for publication. _____

State of Connecticut Judicial Branch Superior Court Case Look-up	
Superior Court Case Look-up Civil/Family Housing Small Claims Attorney/Firm Juris Number Look-up Case Look-up By Party Name By Docket Number By Attorney/Firm Juris Number By Property Address Short Calendar Look-up By Court Location By Attorney/Firm Juris Number Motion to Seal or Close Calendar Notices Court Events Look-up By Date By Docket Number By Attorney/Firm Juris Number Pending Foreclosure Sales Understanding Display of Case Information Contact Us  Comments	HHD-CV16-6071180-S Prefix: HD5 INDEPENDENT PARTY OF CT STATE CENTRAL Et Al v. DENISE MERRILL, SECRETARY OF THE STATE Et Al Case Type: M00 File Date: 09/13/2016 Return Date: 10/04/2016 Case Detail Notices History Scheduled Court Dates E-Services Login Screen Section Help To receive an email when there is activity on this case, click here.
Information Updated as of: 08/20/2018	
Case Information Case Type: M00 - Misc - Injunction Court Location: HARTFORD JD List Type: COURT (CT) Trial List Claim: 04/18/2017 Last Action Date: 08/03/2018 (The "last action date" is the date the information was entered in the system)	
Disposition Information Disposition Date: Disposition: Judge or Magistrate:	
Party & Appearance Information	
Party	No Fee Category Party
P-01 INDEPENDENT PARTY OF CT STATE CENTRAL Plaintiff	
Attorney: <input checked="" type="checkbox"/> MATTHEW JOSEPH GRIMES JR (435105) File Date: 09/13/2016 11 ORCHARD STREET BROOKFIELD, CT 06804 Attorney: <input checked="" type="checkbox"/> BRYAN THOMAS CAFFERELLI (421878) File Date: 09/14/2016 129 COLLEGE PLACE FAIRFIELD, CT 06824 Attorney: <input checked="" type="checkbox"/> DOMENICO M CHIEFFALO (418161) File Date: 04/24/2017 DOM CHIEFFALO 36 MILL PLAIN RD-STE 305 DANBURY, CT 06811	
P-02 JOHN L DIETTER CHAIRMAN, INDEPENDENT PARTY OF CT STATE CENTRAL Plaintiff	
Attorney: <input checked="" type="checkbox"/> MATTHEW JOSEPH GRIMES JR (435105) File Date: 09/13/2016 11 ORCHARD STREET BROOKFIELD, CT 06804 Attorney: <input checked="" type="checkbox"/> BRYAN THOMAS CAFFERELLI (421878) File Date: 09/14/2016 129 COLLEGE PLACE FAIRFIELD, CT 06824 Attorney: <input checked="" type="checkbox"/> DOMENICO M CHIEFFALO (418161) File Date: 04/24/2017 DOM CHIEFFALO 36 MILL PLAIN RD-STE 305 DANBURY, CT 06811	
P-03 DONNA L LAFRANCE TREASURER, INDEPENDENT PARTY OF CT STATE CENTRAL Plaintiff	
Attorney: <input checked="" type="checkbox"/> MATTHEW JOSEPH GRIMES JR (435105) File Date: 09/13/2016 11 ORCHARD STREET BROOKFIELD, CT 06804 Attorney: <input checked="" type="checkbox"/> BRYAN THOMAS CAFFERELLI (421878) File Date: 09/14/2016 129 COLLEGE PLACE FAIRFIELD, CT 06824 Attorney: <input checked="" type="checkbox"/> DOMENICO M CHIEFFALO (418161) File Date: 04/24/2017 DOM CHIEFFALO 36 MILL PLAIN RD-STE 305 DANBURY, CT 06811	
P-04 ROGER PALANZO SEC./DEP. TREAS., INDEPENDENT PARTY OF CT - STATE CENTRAL Plaintiff	
Attorney: <input checked="" type="checkbox"/> MATTHEW JOSEPH GRIMES JR (435105) File Date: 09/13/2016 11 ORCHARD STREET BROOKFIELD, CT 06804 Attorney: <input checked="" type="checkbox"/> BRYAN THOMAS CAFFERELLI (421878) File Date: 09/14/2016 129 COLLEGE PLACE FAIRFIELD, CT 06824 Attorney: <input checked="" type="checkbox"/> DOMENICO M CHIEFFALO (418161) File Date: 04/24/2017 DOM CHIEFFALO 36 MILL PLAIN RD-STE 305 DANBURY, CT 06811	

P-05 DAN CARTER

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File Date: 09/14/2016

Plaintiff -
Intervening**P-06 GAYLE SLOSSBERG**

Attorney: HURWITZ SAGARIN SLOSSBERG & KNUFF LLC (026616) File Date: 09/16/2016
147 NORTH BROAD STREET
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Plaintiff -
Intervening**P-07 PAM STANESKI**

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File Date: 09/16/2016

Plaintiff -
Intervening**P-08 RICH VERRONE**

Attorney: DEY SMITH STEELE LLC (412130)
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File Date: 09/16/2016

Plaintiff -
Intervening**P-09 PATRICIA LIBERO**

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File Date: 09/16/2016

Plaintiff -
Intervening**D-01 DENISE MERRILL, SECRETARY OF THE STATE**

Attorney: ✉ MAURA BRIDGET MURPHY-OSBORNE (423915)
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HARTFORD, CT 061410120

File Date: 09/14/2016

Defendant

Attorney: ✉ PHILIP MILLER (421759)
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55 ELM ST PO BOX 120
HARTFORD, CT 061410120

File Date: 08/03/2018

D-02 MICHAEL TELESKA

Attorney: ✉ KOSKOFF KOSKOFF & BIEDER PC (032250)
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BRIDGEPORT, CT 06604

File Date: 06/12/2017

Defendant

D-03 ROCCO FRANK JR

Attorney: ✉ KOSKOFF KOSKOFF & BIEDER PC (032250)
350 FAIRFIELD AVENUE
BRIDGEPORT, CT 06604

File Date: 06/12/2017

Defendant

D-04 JOHN R PRICE (INTERVENING)

Attorney: RINI & ASSOCIATES (432676)
51 ELM STREET
SUITE 420
NEW HAVEN, CT 06510

File Date: 09/16/2016



Defendant

Viewing Documents on Civil, Housing and Small Claims Cases:

If there is an ✉ in front of the docket number at the top of this page, then the file is electronic (paperless).

- Documents, court orders and judicial notices in electronic (paperless) civil, housing and small claims cases with a return date on or after January 1, 2014 are available publicly over the internet.* For more information on what you can view in all cases, view the [Electronic Access to Court Documents Quick Card](#).
- For civil cases filed prior to 2014, court orders and judicial notices that are electronic are available publicly over the internet. Orders can be viewed by selecting the link to the order from the list below. Notices can be viewed by clicking the **Notices** tab above and selecting the link.*
- Documents, court orders and judicial notices in an electronic (paperless) file can be viewed at any judicial district courthouse during normal business hours.*
- Pleadings or other documents that are not electronic (paperless) can be viewed only during normal business hours at the Clerk's Office in the Judicial District where the case is located.*
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*Any documents protected by law Or by court order that are Not open to the public cannot be viewed by the public online And can only be viewed in person at the clerk's office where the file is located by those authorized by law or court order to see them.

Motions / Pleadings / Documents / Case Status				
Entry No	File Date	Filed By	Description	Arguable
	09/14/2016	P	APPEARANCE  Appearance	
	09/14/2016	D	APPEARANCE  Appearance	